

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
[*Electronically Filed*]

BRIAN ROBERTSON,)
)
)
Plaintiff,)
)
)
v.) Case No. 1:21-cv-2437
)
)
CHOICE HOTELS INTERNATIONAL, INC.,)
d/b/a ECONO LODGE INN AND SUITES,)
)
)
Defendant.)
)

NOTICE OF REMOVAL

Defendant, Choice Hotels International, Inc. (hereinafter “Choice Hotels”), pursuant to 28 U.S.C. 1332(a)(1) and 28 U.S.C. 1441(a), hereby removes to the United States District Court for the Southern District of Indiana, Indianapolis Division, the action captioned *Brian Robertson v. Choice Hotels International, Inc., d/b/a Econo Lodge Inn and Suites*, Cause No. 03D01-2108-CT-004234, which is currently pending in Bartholomew Superior Court No. 1 in the State of Indiana.

As grounds for its removal of this action, Choice Hotels states:

1. On August 11, 2021, Plaintiff Brian Robertson filed a Complaint for Damages in Bartholomew Superior Court No. 1, Cause No. 03D01-2108-CT-004234, seeking damages from Defendant Choice Hotels International, Inc., for alleged injuries sustained on or about December 24, 2020, while Robertson was a guest at the Econo Lodge Inn and Suites located at 161 Carrie Lane, Columbus, Bartholomew County, Indiana.

2. Upon information and belief, Plaintiff is and at all times relevant hereto a resident of Columbus, Indiana, and, therefore, a citizen of the State of Indiana.

3. Defendant Choice Hotels International, Inc., is and was at all times relevant hereto, including at the time of filing this Notice of Removal and at the commencement of the state court proceeding, a Delaware corporation with its principal place of business located at 1 Choice Hotels Circle, Suite 400, Rockville, Maryland 20850. [See Ex. 2, Choice Hotels International, Inc., Business Details]. Choice Hotels is, therefore, a citizen of the State of Maryland and the State of Delaware.

4. This action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. 1332(a)(1), and is one that may be removed to this Court pursuant to 28 U.S.C. 1441(a). This is an action between citizens of different states.

5. Plaintiff communicated a pre-suit demand of \$55,800,000.00 to Defendant on April 27, 2021. [See Ex. 3, Pre-Suit Demand Cover Letter]. Plaintiff is seeking recovery of medical expenses, lost wages, and other special expenses, past and future. Based on the averments set forth in the Complaint and Plaintiff's pre-suit demand, Plaintiff is seeking damages well in excess of the minimum amount required for this Court to exercise original jurisdiction under 28 U.S.C. 1332(a)(1).

6. Choice Hotels was served with a copy of Plaintiff's Complaint for Damages on August 16, 2021. [See Ex. 1, State Court Record – Return of Service]. This Notice of Removal is, therefore, filed within thirty (30) days of the date upon which Choice Hotels received a copy of the Complaint filed by Plaintiff in the state court proceeding.¹

7. All pleadings and papers filed in the state court proceeding are attached hereto as Collective Exhibit 1.

¹ By mutual agreement of counsel, Choice Hotels has been granted an extension of up to and through October 8, 2021, to file a response to Plaintiff's Complaint.

8. A copy of this Notice of Removal will be filed with the Clerk of the Bartholomew Superior Court and served, via certified mail, upon all counsel of record.

DATED: September 15, 2021.

Respectfully submitted,

**WILSON, ELSE, MOSKOWITZ, EDELMAN
& DICKER, LLP**

/s/ Edward M. O'Brien _____

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I also certify that a true and accurate copy of the foregoing was served via certified U.S. Mail upon the following:

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Counsel for Plaintiff

/s/ Edward M. O'Brien

Counsel for Defendant